

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TANIS CONROY,

Plaintiff,

v.

CITY OF VANCOUVER, et al.,

Defendants.

Case No. C10-5014RJB

ORDER DISMISSING
CASE

This matter comes before the Court on Order to Show Cause (Dkt. 11) and upon the Court's review of the record.

On January 13, 2010, the Court issued a scheduling order setting April 13, 2010, as the deadline for filing a Joint Status Report. Dkt. 2. The Plaintiff did not file a Joint Status Report by the deadline. On May 3, 2010, the Court issued an Order to Show Cause directing Plaintiff to file a Joint Status Report or show cause in writing as to why the case should not be dismissed. Dkt. 11. The Plaintiff has not filed a Joint Status Report or shown cause in writing.

The Court should dismiss the Plaintiff's case without prejudice for failure to comply with the Court's Orders. Fed.R.Civ.P. Rule 41(b) provides that if the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. The Plaintiff has not filed a Joint Status Report or shown cause in writing, and has not responded in anyway regarding the Court's Order. The Plaintiff also has failed to serve the last remaining Defendant in this case, Jeffery Wilken. Fed.R.Civ.P. 4(m) provides that if a defendant has not been served within 120 days

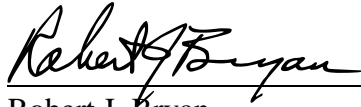
1 after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss
2 the action without prejudice. The Plaintiff filed her case on December 14, 2009, in Washington State
3 Superior Court in Clark County. The case was removed to this Court on January 12, 2010. Counting
4 from the date the case was removed to this Court, the Plaintiff was required to serve Defendant Wilken by
5 May 13, 2010. The Court stated in its Order to Show Cause that she was required to submit a Joint Status
6 Report which would require the Plaintiff to conference with Defendant Wilken. Plaintiff has not
7 conferenced with Defendant Wilken in order to file a Joint Status Report as required by the Court's
8 Orders or served him as required by Fed.R.Civ.P. Rule 4(m). Since the Plaintiff has failed to comply with
9 the Court's Order, the Plaintiff's case should be dismissed without prejudice.

10 The Court hereby finds and Orders:

11 (1) The case is **DISMISSED WITHOUT PREJUDICE**; and

12 (2) The Clerk is directed to send uncertified copies of this Order to all counsel of record and to
13 any party appearing *pro se* at said party's last known address.

14 DATED this 18th day of May, 2010.

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17 Robert J. Bryan
18 United States District Judge
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